

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ROD SLAPPY-SUTTON, and  
JEAN SUTTON, h/w,  
Plaintiff,**

**v.**

**SPEEDWAY LLC,  
Defendant.**

**CIVIL ACTION**

**NO. 16-4765**

**ORDER**

**AND NOW**, this 30th day of July, 2019, upon consideration of Defendant's, Speedway LLC, Motion to Preclude the Testimony of Keith A. Bergman, P.E. (Document No. 12, filed October 7, 2017), and Plaintiffs Rod Slappy-Sutton and Jean Sutton's Response to Defendant Speedway LLC's Motion to Preclude Keith Bergman, P.E. from Testifying at Trial (Document No. 14, filed on October 20, 2017), for the reasons set forth in the in the accompanying Memorandum dated July 30, 2019, **IT IS ORDERED** that Defendant's, Speedway LLC, Motion to Preclude the Testimony of Keith A. Bergman, P.E. is **DENIED**.

The accompanying Memorandum and this Order are **WITHOUT PREJUDICE** to the right of defendant to seek reconsideration at trial if warranted by the evidence and the law as stated in the attached Memorandum.

**BY THE COURT:**

/s/ **Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**